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Written statement* submitted by the Iraqi Development Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Unlawful Intervention in Yemen: The Devastating Impacts of the Saudi-led Coalition's Illegal Unilateral Coercive Measures on Civilians and Children

IDO, together with Americans for Democracy & Human Rights in Bahrain and Arabian Rights Watch Association, take this opportunity at the 39th Session of the United Nations (UN) Human Rights Council to express deep dismay about regular violations of children's rights by the Saudi Arabia-led intervention in Yemen. The unlawful military action by the Saudi Coalition is illegally imposing unilateral coercive measures against the entire population, resulting in devastating impacts on the most vulnerable populations, particularly children.

Unlawful Unilateral Coercive Measures

On 26 March 2015, before UNSC Resolution 2216 was adopted, the Saudi Arabia-led Coalition began conducting daily bombardments on targets in Yemen and simultaneously imposed an aerial and naval blockade. The Coalition's unilateral action occurred without a UN mandate and preceded the adoption of Resolution 2216 by three weeks. Despite this, the Coalition cites the resolution as a retroactive justification for its unilateral military action, claiming that it is enforcing the arms embargo that the resolution mandates. But in practice, the military action has been marked by indiscriminate violence against civilians, resulting in severe violations of human rights and international humanitarian law, particularly against the elderly, women, and children. Coalition airstrikes, coupled with the aerial and naval blockade, constitute "comprehensive" unilateral coercive measures that seriously impede the Yemeni people's right to self-determination by killing and maiming civilians, destroying civilian infrastructure, and disrupting the import and export of commercial goods and humanitarian aid. The unlawful Saudi-led intervention has amplified and exacerbated civilian suffering caused by parties to Yemen's internal conflict, including pro-Hadi forces and Houthi fighters. As a result, Yemen is experiencing the largest humanitarian crisis in the world. In the absence of appropriate international action, the crisis will likely continue to intensify as violations against civilians continue with impunity.

Violence against Children

According to the UN, more than 14,000 civilians have so far been killed or injured in Yemen's conflict, including approximately 5,600 children.1 The 2018 UN Humanitarian Needs Overview found that 8,757 people had died and 50,610 had been injured at the end of 2017,2 but this excludes the first eight months of 2018, which saw increased airstrikes on civilian vehicles and a rise in civilian casualties. As such, these figures are disputed, with many organizations finding higher casualty rates. The Yemen-based Legal Center for Rights and Development reports that in the first 1,200 days of the war, 14,718 civilians were killed. Of this much larger estimate, 2,185 were women and 3,308 were children, with another 2,477 women and 3,222 children maimed.3 Come another 30 days and these numbers rose to 3,359 child deaths and 3,310 injuries.4 The majority of these casualties are caused by airstrikes. Stated differently, about six children in Yemen may have been killed or maimed each day since the war began. Given the high casualty rates for adults as well, many surviving children are orphaned and traumatized. In addition, 15 airports and 14 seaports were targeted with airstrikes, alongside 318 health facilities including 5 maternity centers, 882 schools (another 3,750 were shut down by the conflict),5 727 water tanks and networks, 185 power stations (affecting refrigeration and water pumping facilities), 620 markets, 316 factories, 2963 agricultural fields, 295 poultry/livestock farms, 746 food warehouses, 608 food trucks, and 2512 roads and bridges, among other civilian objects.6 The routine targeting of spaces where children are likely to be present, such as schools, have caused 4.5 million children to cease attending school altogether.7

The Coalition has also deployed internationally banned cluster munitions in civilian areas on at least 60 occasions, which particularly increase the danger faced by children8 as 221 children casualties were documented to be due to cluster munitions.9 Despite the danger posed to children, the Coalition continues to use these internationally banned weapons on civilian areas with impunity.

And impunity for such crimes against children is inevitable so long as the international community supports mechanisms that allow the alleged perpetrator – the Saudi Coalition – to alone investigate violations. Moreover, the Coalition has and will continue to deem children legitimate military targets. For example, on 9 August 2018, a Coalition airstrike targeted a school bus near a market in Dhahyan district of the Saada governorate, killing 51 civilians, 40 of whom were children, and resulting in a further 79 injuries, 56 of whom were children as well. According to the official Coalition spokesperson, Turki Almaliki, the airstrikes were launched against a legitimate military target in line with international humanitarian law.10 This should come as no surprise as the Joint Incidents Assessment Team panel of

investigators set up by the Coalition found in almost all cases it investigated that the Coalition was pursuing a legitimate military target.

Blockade on Children

The blockade on food, medical, and fuel supplies has also caused mass suffering among the civilian population on a larger scale. According to Yemen's Ministry of Public Health and Population, over 10,000 civilians died because they could not get medical treatment abroad due to the Coalition's ban on flights to and from Sana'a International Airport.11 The Department of Transportation and General Aviation Authority in Yemen, however, places the death toll from the travel ban at over 13,000 civilians12 while the Ministry of Human Rights based in Sana'a claims 17,608 civilians died as a result.13

Moreover, cholera is now affecting an estimated one million people in Yemen, mainly children under the age of 15 who account for 41 percent of suspected cases and 25 percent of the deaths.14 Children, pregnant women, and people with chronic health conditions are at greater risk as they face the "triple threat" of conflict, famine, and cholera. 18 million civilians face food insecurity. About 2.8 million require acute malnutrition treatment, including 1.8 million children and 1.1 million pregnant women.15 According to the Office of Coordination for Humanitarian Affairs (OCHA), "the blocking of essential medicine and vaccines and the lack of fuel arriving in Al Hudaydah port will impact millions of people that are already suffering from a lack of health services and multiple preventable diseases. All health facilities are reliant on fuel for delivering essential life-saving services and diphtheria is spreading fast with 120 clinically diagnosed cases and 14 deaths in the last week. At least one million children are at risk of contracting the disease."16 OCHA goes on to state in its report that "[t]he inability to re-supply life-saving maternal medicines and supplies will threaten the lives of 400,000 pregnant women and their newborns, including 53,000 pregnant women who are likely to develop complications during childbirth. A child is dying every ten minutes,17 amounting to over 63,000 children deaths in 2016 alone due to preventable causes according to UNICEF.18 According to Save the Children an estimated 50,000 children died due to preventable causes in 2017.19 The Ministry of Human Rights puts the number at 247,000 children deaths because of preventable malnutrition-related diseases that remained untreated due to the Coalition's blockade on food, medicines and fuel necessary to operate a facility that delivers healthcare services.20

Recommendations

A mechanism must be established that holds perpetrators accountable for violations of children's rights, makes available legal redress for victims of those violations, and has the power to enforce judgments of compensation through appropriate means. Unfortunately, this imperative has been obstructed by a vote in the UN Human Rights Council in September 2015 to establish a flawed National Commission, and by subsequent votes to extend its mandate despite its evident partiality. Although the vote in September 2017 to establish a group of eminent experts to investigate rights violations in Yemen is a step in the right direction, it falls short of the accountability standards that come with an international commission of inquiry. To that end, we reiterate our call on the Council to institute an independent international commission of inquiry to investigate and verify violations of children's rights and other abuse of international law in Yemen.

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2 2018 Humanitarian Needs Overview, https://reliefweb.int/report/yemen/yemen-2018-humanitarian-needs-overview-enar
3 https://twitter.com/LCRDye/status/1016594876501282816
4 https://twitter.com/LCRDye/status/1027947044575567873
5 Complaint to the Special Rapporteur on the Rights to Education, ARWA, 19 February 2017, http://arwarights.org/education-violations
6 https://twitter.com/LCRDye/status/1016594876501282816
7 2018 Humanitarian Needs Overview, https://reliefweb.int/report/yemen/yemen-2018-humanitarian-needs-overview-enar
8 https://mobile.twitter.com/arwa_rights/status/828672534790955009
9 https://twitter.com/LCRDye/status/1027947044575567873
10 https://www.spa.gov.sa/1796089
11 Yemen airport closure killed more people than airstrikes, Norwegian Refugee Council, 9 August 2017 https://www.nrc.no/news/2017/august/yemen-airport-closure-killed-more-people-than-airstrikes/

12 Department of Transportation: The death of over 13000 because of they could not travel abroad for medical treatment due to the aerial blockade, Department of Transportation, 9 August 2017, http://www.mot.gov.ye/view.php/?news_no=918

13 Official Report of the Yemeni Ministry of Human Rights 2015-2018. 24 March 2018.

14 Key Messages on Cholera, United Nations, 23 July 2017 https://docs.unocha.org/sites/dms/Yemen/Yemen%20Key%20Messages%20on%20cholera_23July2017.pdf

15 Ibid.

16 "Yemen: Impact of the closure of seaports and airports on the humanitarian situation - Situation Update 2, "OCHA, 16 November 2017, https://reliefweb.int/report/yemen/yemen-impact-closure-seaports-and-airports-humanitarian-situation-situation-update-2-16

17 https://twitter.com/OCHAYemen/status/810476064099233793?lang=en

18 https://twitter.com/UNICEFmedia/status/829676324889489409

19 "YEMEN: Hunger & disease could kill at least 50,000 children this year, more if the aid blockade continues," 15 November 2017, https://www.savethechildren.org.uk/news/media-centre/press-releases/yemen--hunger---disease-could-kill-at-least-50-000-children-this

20 Official Report of the Yemeni Ministry of Human Rights 2015-2018. 24 March 2018.